

ROGERS COUNTY, OKLAHOMA,
COMMISSIONERS,
Appellants

v.

MUSKOGEE AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Docketing and Dismissing
: Appeal
:
:
: Docket No. IBIA 97-41-A
:
:
: December 3, 1996

On October 3, 1996, the Board received three letters from the Commissioners of Rogers County, Oklahoma, expressing opposition to "a proposed truck stop to be located in Rogers County, near Catoosa, Oklahoma." It appeared possible that the letters were intended to be an appeal from an August 29, 1996, decision of the Muskogee Area Director, Bureau of Indian Affairs, to take a seven-acre tract of land near Catoosa, Oklahoma, into trust for the Cherokee Nation. The letters did not show that they had been served on interested parties.

On October 4, 1996, the Board ordered the Commissioners, if they intended to file a notice of appeal, to mail copies of their letters to the Cherokee Nation, the Area Director, and the Assistant Secretary - Indian Affairs. Service of these copies was required to be made on or before October 21, 1996. Further, the Commissioners were required to send the Board a certificate of service showing that they had served the copies.

No certificate of service was received. Therefore, on October 25, 1996, the Board ordered the Commissioners to show why this appeal should not be dismissed for failure to prosecute. The Board's order informed the Commissioners that failure to respond to the order on or before November 8, 1996, would result in dismissal of this appeal.

No response has been received. Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is docketed but is dismissed for failure to prosecute.

Anita Vogt
Administrative Judge

Kathryn A. Lynn
Chief Administrative Judge